

VZCZCXRO3512  
RR RUEHLA  
DE RUEHMD #0780 2151600  
ZNR UUUUU ZZH  
R 031600Z AUG 09  
FM AMEMBASSY MADRID  
TO RUEHC/SECSTATE WASHDC 1046  
INFO RUEHLA/AMCONSUL BARCELONA 4074

UNCLAS MADRID 000780

SENSITIVE  
SIPDIS

FOR DRL/MLGA KRISTEN MCGEENY

E.O. 12958: N/A  
TAGS: [PHUM](#) [UN](#) [SP](#)  
SUBJECT: SPANISH ANTI-TORTURE INITIATIVES

REF: a. STATE 70129  
b. 08 MADRID 1337

¶1. (U) In an effort to cement a seat on the 2010 UN Human Rights Council and in preparation for its January 2010 EU Presidency, the GOS is focused on the promotion of human rights. In furtherance of this Zapatero Administration priority, Vice President Fernandez de la Vega unveiled Spain's National Human Rights Plan in December 2008 (reftel b). The plan includes international and domestic measures to protect human rights, including anti-torture initiatives, adapting Spain's legal system to international commitments.

¶2. (U) The Spanish constitution and laws prohibit torture and other inhuman treatment or punishment, but allows terrorism suspects to be held incommunicado for up to 13 days. This practice of incommunicado detention has come under fire, with several NGOs reporting that without effective access to an attorney or doctor of choice, some incommunicado detainees have been tortured or mistreated. To address this domestic issue, the plan calls for the installation of cameras in police stations where detainees are held in incommunicado status.

¶3. (U) Cameras are already in use in the Catalanian Regional Police (Mossos d'Esquadra) facilities. And although the plan has not been implemented in full, the Ministry of Interior now operates cameras in the Central Headquarters of the Police and the Civil Guard, as well as in the National Court. According to the Committee for the Prevention of Torture, as a result of the use of the cameras in detention facilities in Spain, the number of complaints of torture or mistreatment has declined significantly. In Catalonia, for example, only 45 complaints were lodged in 2008, down from 128 in ¶2007.

¶4. (U) Domestically, the plan also calls for expansion of detainees' legal guarantees, to include reducing the number of hours a detainee can be held without access to counsel and prohibiting the incommunicado detention of minors. On the international stage, the plan promises to promote human rights, working through the UN, EU, Council of Europe, OSCE, bilateral and multilateral relations, and International Criminal Court.

¶5. (SBU) Given Spain's UNHRC aspirations for 2010 and the corresponding EU Presidency January-June 2010, it is primed to coordinate plans with bilateral partners on anti-torture initiatives. However, finance will come into play as the GOS has not budgeted for any of the international initiatives as spelled out in its plan. Coordination may be most effective through established institutions and possibly as an agenda item in the anticipated US-EU Summit in Madrid next spring.

CHACON